

# UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In the Matter of:

TODD STERLING HEYNS SR.  
Debtor

Chapter 13

Case No. 14-13894-BFK

## **AMENDED ORDER CONFIRMING MODIFIED PLAN**

THIS MATTER came on for hearing on Trustee's Motion to Dismiss (Dkt. No. 72) and Debtor's Response thereto (Dkt. No. 73), on January 10, 2019, and the Parties having reached settlement and resolution of the matter:

The Modified Chapter 13 Plan filed by Todd Sterling Heyns, Sr. on April 18, 2018, having been transmitted to all creditors; and it having been determined that the plan meets each of the requirements of 11 U.S.C. Section 1325(a);

### **It is ORDERED that:**

- (1) the Plan as filed or modified is CONFIRMED.
- (2) Upon entry of this order, all property of the estate shall revert in the Debtor(s). Notwithstanding such reversion, the Debtor(s) shall not encumber, refinance, sell or otherwise convey real property without first obtaining an order of approval from this Court.
- (3) Beginning November 20, 2014 the Debtor has paid to date the total amount of \$39,818.00 and beginning January 20, 2019, and each month thereafter until further order of this Court, the Debtor shall pay to the Trustee, Thomas P. Gorman at P.O. Box 1553, Memphis, TN 38101-1553 the sum of \$1,105.00 per month for 1 month, then the sum of \$1,240.00 per month for the remaining 9 months of the Plan in order to pay all creditors back at 100% of all allowed claims. Payments under said Plan to be completed within 60 months from the due date of the first payment in this case.
- (4) That the Debtor(s) shall furnish the Trustee annual federal and state income tax returns within the time as set forth in Paragraph 5 below, and such additional information as the Trustee may require for determination of the Debtors' disposable income. Failure to comply with this provision shall be grounds for dismissal.

(5) All lien avoidance action(s) contemplated by Section 8(B) of the Plan must be made by the filing of an Adversary Proceeding no later than sixty(60) days from the date of the entry of this Order.

(6) The holder of each secured claim provided for in paragraphs 4A and 4D of the plan shall retain the lien securing such claim until the earlier of i) the payment of the underlying debt determined under nonbankruptcy law or ii) discharge under section 1328 or iii) such lien is otherwise avoided by separate Court order entered in this case or associated adversary proceeding. If this case is dismissed or converted without completion of the plan, such lien shall be retained by such holder to the extent recognized by applicable nonbankruptcy law.

(7) Because this increase in Plan payments going forward is a concession to Debtor to allow him to address his prior Plan default(s), the case shall be dismissed without further notice or hearing upon the filing by the Trustee of a certification stating any of the following: a) Debtor failed to make a payment hereunder within 30 days of when it was due; or b) Debtor failed to provide copies of his federal and state tax returns to the Trustee by April 16, 2018 or April 16 of each year following during the remaining term of the Plan.

Dated: Jan 11 2019

/s/ Brian F. Kenney

Brian F. Kenney

United States Bankruptcy Judge

Entered on Docket: January 11, 2019

Seen and agreed:

Confirmation Recommended.

/s/ Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 North Washington Street, Ste. 400  
Alexandria, VA 22314  
(703) 836-2226  
VSB #26421

/s/ John C. Morgan, Jr.  
John C. Morgan, Jr., Esquire  
Counsel for Debtor  
New Day Legal, PLLC  
98 Alexandria Pike, Ste. 10  
Warrenton, VA 20186

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Thomas P. Gorman  
Thomas P. Gorman, Chapter 13 Trustee

**PARTIES TO RECEIVE COPIES**

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